

SUPERIOR COURT OF
THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION
OF THE
2012 MAR 23 P 4: 22
Clerical Error Bw

DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on April 23, 2012

THE UNITED STATES OF AMERICA

v.

IRVING H. JOHNSON,
also known as "Gotti"
PDID 538-985

SADE A. STEPHENS
PDID 558-290
DCTN: U12014678

Criminal Nos: 2011-CF1-17540
GJO

Violations:

22 D.C. Code, Sections 401, 4502;
22 D.C. Code, Section 4504(b);
22 D.C. Code Section 4503(a)(1);
22 D.C. Code, Section 4504(a);
22 D.C. Code, Section 303;
22 D.C. Code, Sections 2101, 4502;
22 D.C. Code, Section 404.01, 4502;
22 D.C. Code, Sections 1806, 2101, 4502;
22 D.C. Code, Section 2402;
22 D.C. Code, Section 722(a)(6)(2001 ed.)

(Assault With Intent to Kill While Armed;
Possession of a Firearm During Crime of
Violence or Dangerous Offense; Unlawful
Possession of a Firearm; Carrying a Pistol
Without a License (Outside Home or Place of
Business); Destroying Property; First Degree
Murder While Armed (Premeditated);
Aggravated Assault While Armed; Accessory
After the Fact; Perjury; Obstruction of Justice
(Due Administration of Justice)

The Grand Jury charges:

FIRST COUNT:

On or about June 21, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," while armed with a firearm, assaulted Nicholas Kennedy with intent to kill. (Assault With Intent to Kill While Armed, in violation of 22 D.C. Code, Sections 401, 4502 (2001 ed.))

SECOND COUNT:

On or about June 21, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," did possess a firearm while committing the crime of assault with intent to kill while armed as set forth in the first count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

THIRD COUNT:

On or about June 21, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," previously having been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, owned, kept and had within his control, a firearm. (Unlawful Possession of a Firearm, in violation of 22 D.C. Code Section 4503(a)(1) (2001 ed.))

FOURTH COUNT:

On or about June 21, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," previously having been convicted of a felony or a violation of this section, did carry, openly and concealed on or about his person, in a place other than his dwelling place, place of business or on other land possessed by him, a pistol, without a license issued pursuant to law. (Carrying a Pistol Without a License (Outside Home or Place of Business), in violation of 22 D.C. Code, Section 4504(a) (2001 ed.))

FIFTH COUNT:

On or about June 21, 2011, within the District of Columbia, Irving Johnson, also known as "Gotti," maliciously did injure, break, and destroy certain property, that is, a motor vehicle, property of Bobbie Kennedy, causing damage in the amount of \$1000 or more. (Destroying Property, in violation of 22 D.C. Code, Section 303 (2001 ed.))

SIXTH COUNT:

Irving H. Johnson, also known as "Gotti," within the District of Columbia, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Jimmie Simmons by shooting him with a firearm, on or about July 9, 2011, thereby causing injuries from which Jimmie Simmons died on or about July 9, 2011. (First Degree Murder While Armed (Premeditated), in violation of 22 D.C. Code, Sections 2101, 4502 (2001 ed.))

SEVENTH COUNT:

On or about July 9, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," did possess a firearm while committing the crime of first degree murder while armed as set forth in the sixth count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

EIGHTH COUNT:

Irving H. Johnson, also known as "Gotti," within the District of Columbia, while armed with a firearm, purposely and with deliberate and premeditated malice, killed Dominique Barbour by shooting him with a firearm, on or about July 9, 2011, thereby causing injuries from which Dominique Barbour died on or about July 9, 2011. (First Degree Murder While Armed (Premeditated), in violation of 22 D.C. Code, Sections 2101, 4502 (2001 ed.))

NINTH COUNT:

On or about July 9, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," did possess a firearm while committing the crime of first degree murder while armed as set forth in the eighth count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

TENTH COUNT:

On or about July 9, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," while armed with a firearm, assaulted Anthony Thomas with intent to kill. (Assault With Intent to Kill While Armed, in violation of 22 D.C. Code, Sections 401, 4502 (2001 ed.))

ELEVENTH COUNT:

On or about July 9, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," did possess a firearm while committing the crime of assault with intent to kill while armed as set forth in the tenth count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

TWELFTH COUNT:

On or about July 9, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," while armed with a firearm, did by any means, knowingly and purposely cause serious bodily injury to Anthony Thomas. (Aggravated Assault While Armed, in violation of 22 D.C. Code, Section 404.01, 4502 (2001 ed.))

THIRTEENTH COUNT:

On or about July 9, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," did possess a firearm while committing the crime of aggravated assault while armed as set forth in the twelfth count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

FOURTEENTH COUNT:

On or about July 9, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," while armed with a firearm, assaulted Paula Ramirez with intent to kill another. (Assault With Intent to Kill While Armed, in violation of 22 D.C. Code, Sections 401, 4502 (2001 ed.))

FIFTEENTH COUNT:

On or about July 9, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," did possess a firearm while committing the crime of assault with intent to kill while armed as set forth in the fourteenth count of this indictment. (Possession Of a Firearm During Crime Of Violence Or Dangerous Offense, in violation of 22 D.C. Code, Section 4504(b) (2001 ed.))

SIXTEENTH COUNT:

On or about July 9, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," previously having been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, owned, kept and had within his control, a firearm. (Unlawful Possession of a Firearm, in violation of 22 D.C. Code Section 4503(a)(1) (2001 ed.))

SEVENTEENTH COUNT:

On or about July 9, 2011, within the District of Columbia, Irving H. Johnson, also known as "Gotti," previously having been convicted of a felony or a violation of this section, did carry, openly and concealed on or about his person, in a place other than his dwelling place, place of business or on other land possessed by him, a pistol, without a license issued pursuant to law. (Carrying a Pistol Without a License (Outside Home or Place of Business), in violation of 22 D.C. Code, Section 4504(a) (2001 ed.))

EIGHTEENTH COUNT:

Between July 2011 and on or about September 9, 2011, within the District of Columbia, Sade A. Stephens was an accessory after the fact to first degree murder while armed in that she relieved, comforted, and assisted Irving H. Johnson, also known as "Gotti," knowing that Irving Johnson, also known as "Gotti," had committed that crime, by assisting Irving H. Johnson, also known as "Gotti," to avoid apprehension and prosecution for the offense with intent to hinder and prevent the apprehension, trial, and punishment of Irving H. Johnson, also known as "Gotti." (Accessory After The Fact First Degree Murder While Armed (Premeditated), in violation of 22 D.C. Code, Sections 1806, 2101, 4502 (2001 ed.))

NINETEENTH COUNT:

Between July 2011 and on or about September 9, 2011, within the District of Columbia, Sade A. Stephens did corruptly obstruct, impede or endeavor to obstruct and impede the due administration of justice in any official proceeding. (Obstructing Justice (Due Administration of Justice), in violation of 22 D.C. Code, Section 722(a)(6) (2001 ed.))

TWENTIETH COUNT:

On November 21, 2011, a Grand Jury of the Superior Court of the District of Columbia was duly empaneled and sworn. The Grand Jury was a competent tribunal authorized by law to administer oaths and affirmations and was conducting a criminal investigation, namely, United States v. Irving Johnson, Docket Number 2011-CF1-17540. It was material to the Grand Jury's investigation to determine the identities and manner of participation of all persons involved in the shooting deaths of Dominique Barbour and Jimmie Simmons, and the shooting of Anthony Thomas on July 9, 2011, all persons who were potential eyewitnesses and "ear" witnesses to this shooting, and the events leading up to and following that shooting.

On December 13, 2011, Sade A. Stephens, appeared before the Grand Jury in the case of United States v. Irving Johnson, Docket Number 2011-CF1-17540. Sade Stephens took an oath to testify truthfully and was warned that she could be prosecuted for perjury if she provided false information to the Grand Jury.

Sade A. Stephens then unlawfully, wilfully, knowingly and contrary to her oath, gave testimony and made statements as to material matters which were not true and which she knew or did not believe to be true, that is, she testified that from the end of July 2011 to September 5, 2011, she had neither seen nor talked to the defendant Irving H. Johnson, also known as "Gotti," nor knew where he was. Those material statements are set forth below:

[THE PROSECUTOR]: Okay. So between the day the marshals came and kicked in your door at the end of July and September 5th when you see this note on your door --

[MS. STEPHENS]: Mm-hmm.

[THE PROSECUTOR]: -- do you see Irving at any point between --

[MS. STEPHENS]: No.

[THE PROSECUTOR]: Let me finish the question. Between the day that the marshals come to your house at the end of July and the morning of September --and the day of September 5th?

[MS. STEPHENS]: No. I just talked to a couple of his friends maybe, but I never seen Irving.

[THE PROSECUTOR]: Did you talk to Irving --

[MS. STEPHENS]: No.

[THE PROSECUTOR]: Did you know where he was?

[MS. STEPHENS]: No.

(Perjury, in violation of 22 D.C. Code, Section 2402 (2001 ed.))

TWENTY-FIRST COUNT:

On or about December 13, 2011, within the District of Columbia, Sade A. Stephens, did corruptly obstruct, impede or endeavor to obstruct and impede the due administration of justice by withholding truthful information and providing false information to the Grand Jury in the case of United States v. Irving Johnson, Docket Number 2011-CF1-17540. (Obstructing Justice (Due Administration of Justice), in violation of 22 D.C. Code, Section 722(a)(6) (2001 ed.))

TWENTY-SECOND COUNT:

On January 3, 2012, a Grand Jury of the Superior Court of the District of Columbia was duly empaneled and sworn. The Grand Jury was a competent tribunal authorized by law to administer oaths and affirmations and was conducting a criminal investigation, namely, United States v. Irving Johnson, Docket Number 2011-CF1-17540. It was material to the Grand Jury's investigation to determine the identities and manner of participation of all persons involved in the shooting death of Dominique Barbour and Jimmie Simmons, and the shooting of Anthony Thomas on July 9, 2011, all persons who were potential eyewitnesses and "ear" witnesses to this shooting, and the events leading up to and following that shooting.

On January 5, 2012, Sade A. Stephens again appeared before the Grand Jury in the case of United States v. Irving Johnson, Docket Number 2011-CF1-17540. Sade A. Stephens again took an oath that she would testify truthfully.

Sade A. Stephens then unlawfully, wilfully, knowingly and contrary to her oath, gave testimony and made statements as to material matters which were not true and which she knew or did not believe to be true, that is, she testified that from July of 2011 to September 5, 2011, she had not talked to the defendant Irving Johnson, also known as "Gotti," nor knew where he was. She further testified that from July of 2011 to September 7, 2011, she had not seen the defendant Irving Johnson, also known as "Gotti." Those material statements are set forth below:

[THE PROSECUTOR]: How long did you end up staying at Sharron's house?

[MS. STEPHENS]: Two days.

[THE PROSECUTOR]: Maybe I misunderstood you. I thought you said that the same day that you came back from the funeral, the day you saw the note, the day -- is the same day you called Irving --

[MS. STEPHENS]: Yeah. That's the same day.

[THE PROSECUTOR]: -- and that's the same day you went to Lusby.

[MS. STEPHENS]: Well, no. Two days after that I went to Lusby. It's January. That's September. I really don't remember, recall everything that happen around that time. It was just too much going on. But I know that Wednesday -- I only stayed there two days. Irving got arrest[] on Friday. I remember that because that was just shocking to me, everything happen. I know I stayed there for two days. That Wednesday I left because I didn't even [] a phone at the time to even call. I had called from a pay phone from the Columbia Heights Station.

[THE PROSECUTOR]: And I think -- just so I understand, how many nights did you spend at that house in Lusby?

[MS. STEPHENS]: Wednesday night, Thursday night.

[THE PROSECUTOR]: So the guy in the blue car dropped you and Irving off, you stayed two days and then on that, on that next day Irving got arrested?

[MS. STEPHENS]: Yeah, on that Friday morning.

[THE PROSECUTOR]: So from the time he disappeared until the time that guy in the blue car --

[MS. STEPHENS]: Yes.

[THE PROSECUTOR]: -- picked you up, had you seen him?

[MS. STEPHENS]: No.

[THE PROSECUTOR]: Had you talked to him?

[MS. STEPHENS]: No.

[THE PROSECUTOR]: And I mean, the guy in the blue car who picked you up with Irving to take you down to Lusby.

[MS. STEPHENS]: No.

[THE PROSECUTOR]: So in between the time that he disappeared from your house, you know, two and a half months after he moved in approximately, until the time that the guy in the blue car and Irving picked you up and took you down to Lusby, you didn't talk to him?

[MS. STEPHENS]: No.

[THE PROSECUTOR]: And by "him" I mean Irving.

[MS. STEPHENS]: No.

[THE PROSECUTOR]: You didn't see Irving?

[MS. STEPHENS]: No.

(Perjury, in violation of 22 D.C. Code, Section 2402 (2001 ed.))

TWENTY-THIRD COUNT:

On or about January 5, 2012, within the District of Columbia, Sade A. Stephens, did corruptly obstruct and impede or endeavor to obstruct and impede the due administration of justice by withholding truthful information and providing false information to the Grand Jury in the case of United States v. Irving Johnson, Docket Number 2011-CF1-17540. (Obstructing Justice (Due Administration of Justice), in violation of 22 D.C. Code, Section 722(a)(6) (2001 ed.))

Ronald C. Machen Jr./RMB
RONALD C. MACHEN JR.
Attorney of the United States in
and for the District of Columbia

A TRUE BILL:

[REDACTED]

Deputy / Foreperson